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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/758,714

01/16/2004

Shaikh Ghaleb Mohammad Yassin Alhamad

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7590

07/26/2006

MICHAEL WINFIELD GOLTRY  
4000 N. CENTRAL AVENUE, SUITE 1220  
PHOENIX, AZ 85012

EXAMINER

WATKINS III, WILLIAM P

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/758,714

**Applicant(s)**YASSIN ALHAMAD, SHAIKH  
GHALEB MOHAMMAD**Examiner**

William P. Watkins III

**Art Unit**

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-68 is/are pending in the application.
- 4a) Of the above claim(s) 17-30 and 36-68 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-16 and 31-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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# DETAILED ACTION

1. A new copy of the oath in the parent application is required. The PTO electronic file wrapper only has a copy of the power of attorney page of the original oath and not the first sheet. A complete copy is requested.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 13-16 and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stock (U.S. 3,825,465) in view of Kinney (U.S. 3,12,864).

Stock teaches an expanded sheet material which may be made of plastics or paper or cardboard and which may be filled with tar products and an aggregate such as plaster (col. 2, lines 10-40). Kinney teaches the use of an expanded sheet material where the slits are transverse to the longitudinal direction of the

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sheet and intersect the edge of the sheet in order to be expanded into a three dimensional structure which has great strength and stiffness (page 2, lines 25-35, Figure 1). A compact intermediate form of the product is taught (Figures 3 and 2). The instant invention claims an expanded sheet material with tar and aggregate.

It would have been obvious to one of ordinary skill in the art to select a combination of tar and plaster from the possible coating and filler materials taught by Stock as options. It further would have been obvious to one of ordinary skill in the art to substitute the transverse slits of Kinney for the longitudinal slits of Stock in order to produce a strong and still structure because of the teachings of Kinney. Variation of the taught sheet materials with these coating and fillers would also have been obvious. Transportation of construction materials to a job site in a compact form for field assembly is well known in the construction art. It would have been obvious to one of ordinary skill in the art to transport the unexpanded mesh of Stock in view of Kinney in a common intermediate compact sheet material storage form such as a roll for field assembly and joining with aggregate and tar in order to have ease of transportation to the construction job site, in view of the

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above noted well known practice. Variation in the thickness and slit size and arrangement is taken as being within the ordinary skill of the art.

4. Applicant's arguments filed 09 May 2006 have been fully considered but they are not persuasive.

Regarding claim 13, applicant argues that Stock teaches slits that run in the longitudinal direction instead of the transverse direction as is instantly claimed. The examiner relies upon Kinney to supply this limitation in the combination. Applicant argues that using transverse slits in Stock would destroy the function of Stock by limiting the ability of the lattice of Stock to receive pipes. It is unclear to the examiner why orientation of the slits in a transverse direction, which would result in rotation of the openings of the lattice of Stock, would prohibit insertion of tubular members into the openings since they would still be the same size. There is motivation to make the combination because Kinney teaches that transverse slits produce a strong structure that is easily formed by stretching the slit sheet in the longitudinal direction. Applicant argues the destruction of Kinney, if a

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filler is used. The combination does not call for using filler in Kinney but applying the slit structure of Kinney to Stock.

Regarding claim 36, applicant argues that the claimed slits are of equal size while the slits of Stock are of unequal length. The examiner disagrees. Claim 36 requires each slit to have a length between about 1 cm and 2.5 cm. It does not require each slit to be the same length. Even if it did Kinney teaches similar size slits and that they produce a strong structure. Applicant also argues that there is no teaching to use a mixture of tar and sand as a filling in the expanded cells of Stock. While there is not an express teaching of such a disclosure, the position of the examiner is that it would be well within the ordinary skill of the art to practice a tar and sand filling in view of the implied teachings of the reference.

The reference teaches use of tar and synthetic resin to stiffen the slit lattice (col. 2, lines 30-40) and filling the lattice cells with a plastic material (col. 2, line 13). The reference further teaches that the plastic material may be a plaster or a concrete (col. 4, lines 25-30) and that the plastic material may be a synthetic resin (col. 4, lines 35-50). Concrete is well known to comprise sand and other aggregate with an inorganic cement binder. Asphalt which comprises sand or

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other aggregate in a tar or bitumen binder, is a well known substitute for concrete in building and road fabrication. It would have been obvious to have used tar as a plastic material as well as a lattice stiffener, in view of these well known characteristics of concrete, asphalt and tar.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally

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be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WW/ww

July 24, 2006